

The Eyemouth Fish Tithe Dispute: The State Church Promoting Voluntaryism

PETER AITCHISON, M.A.

The private world of the nineteenth-century fisherman, like that of the Gael, was long misunderstood by blinkered outsiders who sought to measure culture by the yardstick of the so-called normal civilised society. Even today fishing communities are marked off by the distinctiveness of their occupational lifestyle from other, similarly sized, villages and towns. They are naturally insular and suspicious of alien intrusion, and prejudices within and against fishing communities have remained strong. Unfortunately the very rich tapestry of the fishing culture, with its emphasis on music, dance, and drama has tended, because of this, to be blurred by a traditional perception of fishermen as violent drunkards, and fishing towns as smelly ghettos.

During last century, the indigenous fishing communities which clung, limpet-like, to the craggy shores of the Scottish east coast were the subject of popular early social anthropological studies. Thumb-nail sketches of each were provided to give an overview of Scottish fishing life. The observations were rarely flattering. At Eyemouth the population was regarded in 1869 as, “. . . a rough uncultivated people, and more drunken in their habits than the fishermen of neighbouring villages”¹ Riots which had rocked that small Berwickshire town in 1861 were cited as evidence of the transparency of the religious revival which greatly affected fishing towns generally, and Eyemouth in particular, in the previous year. The same author castigated the indolence of the Scottish fisherman, observing, “The sea is free to all, without tax and without rent”.² The sea was indeed a free field whose produce could be reaped by anyone who had a mind to fish and a boat to sail in. But, almost peculiarly at Eyemouth, vicarage teind was levied on the treasures of the deep, as a supplement to the otherwise inadequate ministerial stipend. It was this clerical imposition which ignited the disturbances in 1861 which lay behind more than a decade of serious religious trouble in Eyemouth.

One of the smallest parishes in Scotland, Eyemouth had been elevated to separate parochial status in 1618 after a historic association with Coldingham priory.³ Fish tithe probably arose

¹ J. G. Bertram, *The Harvest of the Sea* (London, 1869), 483.

² *Ibid.*, 307.

³ A. Thomson, *Coldingham: Parish and Priory* (Galashiels, 1908), 246; [B]erwickshire [N]ews, 5 Feb. 1913.

from this connection. What was once a free gift periodically offered by fishermen for religious solace at some point became recognised as an obligation, as the church established its right to a proportion of the catch which came from part of the vicarage teind. In the eighteenth century, when the Eyemouth people were more professional smugglers than occupational fishermen, fish teind dwindled to negligible importance and was commuted, for genuine Eyemouth-based fishermen, into a fixed annual payment, or *modus*, of £20 Scots (33s. 4d. Sterling).⁴ The acid test of qualification for paying *modus* was proof of full-time participation in the winter haddock season; the summer herring drave, at this point, was undeveloped. Later, when the herring trade improved, full teind was demanded from those Eyemouth men who participated solely in the herring season, but thereafter they reverted to their normal professions of weaving, tailoring, shoemaking, etc.⁵ Those who paid the *modus* and fished all year round were exempted from a payment of a tenth of their herring catches. A third form of this taxation was extracted from visiting fishing boats which made Eyemouth their base during the summer herring drave. These were liable for half-teind, that is, a twentieth of their catch.

With the herring boom of the post-Napoleonic era, the Eyemouth economy was transformed from one relying mainly on coastal shipping, to one wholly dependent on the success or failure of the summer herring drave and the winter haddock season.⁶ Almost continuously from the “California Days” of the 1830s the story was one of conspicuous progress. The home fleet expanded from eight small boats in 1818 to 26 fine large craft by 1854, each of which paid the *modus*, thereby substantially boosting the kirk’s living. In addition to these normal white fishing boats, the Eyemouth men also owned and partly crewed twice as many separate vessels, designed specifically for the herring drave. In the late eighteenth and early nineteenth century, it seemed that so long as the Eyemouth men paid *modus* (usually with the skipper as collector) they could fish tax-free from as many boats as they wished at any season of the year.⁷ However, as the herring crews were necessarily supplemented by migrant wage labourers, a grey area of legal dubity was created.⁸ Stranger boats frequenting the

⁴ *New Statistical Account*, ii, 333.

⁵ Scottish Record Office, AF/23/42, [E]yemouth [F]ishery [O]ffice, Minute Book, 23 Dec. 1827.

⁶ [B]erwick [A]dvertiser, 5 Apr. 1845.

[E]yemouth [H]arbour [T]rust, Minute Books 1797-1874 (private collection).

⁷ Much information is provided on these decisions, and on how they were interpreted locally, in the pamphlets relating to the Fish Tihe Dispute preserved in the Home of Wedderburn MSS collection (SRO, GD/267/14/1).

⁸ *Pamphlet letter of David Milne-Home of Wedderburn to William Spears, fisherman of Eyemouth* (Edinburgh, Jun. 1862), 8.

port in the summer months likewise multiplied in numbers between the early and mid-nineteenth century, with crews from as far afield as Caithness and Cornwall aiding the prodigious growth of an increasingly wealthy fishery station. In the 1820s, a group of Eyemouth merchants leased the right to tithe these stranger craft from the local minister, to ensure that the ecclesiastical impost did not deter boats from visiting Eyemouth.⁹

By the 1830s, however, it seemed as if at Eyemouth, as had happened elsewhere in Scotland, fish tithe was gradually dying a natural death. The Rev. John Turnbull, incumbent from 1825 until seceding at the Disruption, never exacted large amounts of tithe and found extreme difficulty in collecting even modest sums.¹⁰ As a native of the town he knew well the popular hatred of the tax and the baneful effect that it had on religious observance.¹¹ Undeniably the denudation of the Established church in Eyemouth in 1843, when two-thirds of the members and the entire eldership left, can be partly attributed to the antagonism created by the fish tithe.¹² It also, of course, reflected the dislike of these colourful and musical people for services which have been described as probably the baldest and rudest in Christendom.¹³ The growth of dissent in Eyemouth can in fact be marked from the arrival of the Primitive Methodists in 1834 and the warm reception given to the United Secessionists in 1841.¹⁴

In aspects other than worship, the 1840s was a time of decision and change. The fishing industry in Scotland had greatly altered in character since the early years of the century. Bigger and more expensive craft sailed into ever deeper waters, markets were developing both at home¹⁵ and abroad,¹⁶ and the pursuit of the haddock and the herring had become big business. Fishing communities situated on tidal creeks, as Eyemouth was, either moved towards better facilities, to share in this prosperity, or else regressed to stagnation. All depended on the number of boats prepared to use the station, the harbour revenue available for interest guarantees on expansion loans, or some other local security for the same. Only the clear demonstration of success could

⁹ SRO (AF/4/4). [F]ishery [B]oard, Entry Book of Memorials, 20 Jan. 1847.

¹⁰ EFO (AF/23/43), 17 Dec. 1849; *New Statistical Account*, ii, 330.

¹¹ BA, 15 Apr. 1837; FB, Minute Book (SRO, AF/1/14), 9 Dec. 1846.

¹² BA, 12 Jul. 1845.

¹³ O. Bussey, *The Religious Awakening of 1858-1860* (Edinburgh Ph.D. thesis, 1947), 24; T. D. Landels, *William Landels DD: A Memoir* (London, 1900), 11.

¹⁴ W. M. Patterson, *Men on Fire* (London, 1911), 126-7; *Souvenir Booklet of Eyemouth Methodist Church*; Landels, *William Landels*, 13. BA, 16 Apr. 1842.

¹⁵ EFO (SRO, AF/23/43-44); BA 5 Apr. 1845, 4 Jul. 1846, 2 Aug. 1851.

¹⁶ BA, 16 Apr. 1842. Also see FB Annual Reports. Here it should be noted that the export market was, in this period at least, of relatively minor importance in the local economy, and that prosperity stemmed rather from the demand of the home urban and industrial centres.

persuade prospective investors, or government agencies such as the Board of Fisheries, to finance crucial harbour developments.

The parish of Eyemouth was too small to provide even a minimal loan security of the kind that was needed and, paradoxically while the fishing industry had expanded, harbour revenue at the port had actually fallen. This followed the depression in the coastal trade caused by the railway mania of the second quarter of the nineteenth century, and the situation was made worse by the fact that fishing boats paid no dues at Eyemouth because of their liability to the ancient and traditional vicarage teind.¹⁷ Bad management had saddled the harbour trust with a substantial debt of £2,000, and the service payments on this left scant resources for even routine maintenance.¹⁸

Clearly, if fish tithe either ceased to be demanded, or was abolished altogether, then some new local Act might restructure the toll levies and place the harbour on a sound financial footing. After 1843, with the Established church in a distinct minority in Eyemouth, there seemed no moral reason for the tithe to continue. Nervous merchants were also acutely aware of warnings from Firth boats that, should the tithe not be removed, they might seek alternative quays at which to land their lucrative catches.¹⁹

In June 1845 the Rev. Stephen Bell accepted the call at the Established Church in Eyemouth. A small man, but large of heart and determined of principle, he set about transforming the town through the vigorous promotion of social institutions such as a savings bank, library, lectures and prayer meetings. He was also alive to the debilitating effects which the imposition of the fish tithe brought to all religious denominations in the town, and swiftly moved to gain the support of Chirnside Presbytery in petitioning the Fishery Board for an annual grant which would replace the hated tax.²⁰ In this move, he won the backing of the parish heritors, most significantly David Milne-Home, superior of Eyemouth through his wife, proprietor of three quarters of the town, and leading protagonist in the ensuing controversy.²¹

Bell requested something in the order of £75 per annum to augment the annual stipend of around £140, and the Fishery Board responded to his memorial with a powerful appeal to the Treasury on the merits of the case. Drawing on the observations of the local fishery officer that,

¹⁷ EHT, Minute Book, 14 Mar. 1855; *Pamphlet letter of Milne-Home to Spears*, 22.

¹⁸ EHT, Minute Book, 12 Mar. 1856. Statement of John Shand, Convener of the General Assembly Committee on Fish Teind, to James Moncrieff, Lord Advocate, Feb. 1862 (Lord Advocate's Papers, SRO, AD/156/38).

¹⁹ BA, 12 Jul. 1845.

²⁰ SRO, CH2/516/7, Presbytery of Chirnside, Minute Book, 1 Dec. 1846.

²¹ SRO, HR/252/3, Eyemouth Parish Heritors, Minute Book, 3 Dec. 1846.

“This fish tithe has been one cause of irreligion, drunkenness, and imprudence which seems unfortunately to be prevalent among the fishermen of Eyemouth, and it keeps many boats from entering the port of Eyemouth”,²²

the Board cited the case as unique, and deserving special treatment. But the Treasury remained unmoved, and future memorials likewise failed.²³

Bell was now placed in a hopeless situation. It is true that if he did not insist on payment of the tithe he might endear himself to the largely fishing population of the town, and perhaps increase his weekly congregations. But in so doing he would not only be removing an important element of the living, but would be alienating a traditional right of the church. Ultimately, he decided to seek an amicable *via media* by tightening up on the loose tithe exactions, to satisfy the needs of the benefice, without adversely affecting the trade of the port or impinging too much on the pockets of the increasingly affluent fishermen, many of whom earned much more than he did.²⁴ The minister picked on a number of merchants who owned summer herring boats but who did not themselves fish, and who refused to pay any more than a few shillings as tithe.²⁵ In particular, Bell singled out the leading Eyemouth fisherman-merchant of his day, William Spears, and took him to court in order to establish what was due from whom and which groups, if any, were legally entitled to exemption from the payment of herring teind, as distinct from the payment of *modus*.

Willie Spears, “Kingfisher”, resembled Stephen Bell both in stature and in the strength of his convictions. While the minister held that the church must be given what it was due, Spears averred that the fishermen were morally, and probably legally entitled to refuse such impositions. “Great man” theories may periodically meander in and out of historical vogue, but there can be little doubt that, in the confined world of Eyemouth, this most successful of fishermen was head of the community. He was well read, articulate and thoughtful and when Spears moved, Eyemouth followed. In 1854, when the recruiting agent for the R.N. Coast Volunteers visited the town, a packed public meeting gave no response until Spears nodded his approval, when 64 fishermen immediately came forward.²⁶ At Burnmouth, just two miles down the coast by contrast, the same recruiting officer entered one end of the single

²² FB (SRO, AF/4/4), 20 Jan. 1847.

²³ FB (SRO, AF/4/4), 8 Dec. 1847.

²⁴ See Annual Reports of EFO contained in FB papers (SRO, AF/23/43-45); *BA*, 28 Sept. 1839; *BA*, 19 Jul. 1851.

²⁵ EFO (SRO, AF/23/43), 17 Dec. 1849; SRO, CH2/516/9, Chirnside Presbytery, 20 Aug. 1855.

²⁶ *BA*, 18 Feb. 1854; 17 Jun. 1854.

lane village and the fishermen took to their heels from the other, fearing the return of press-gang days.²⁷

Bell hoped that by peaceably putting a case against Spears, precedents would be set which all would obey with equanimity. But, by the late 1840s, the stimulus of high prices, ready, available urban markets and a nearby railway connection had greatly increased the Eyemouth fish trade.²⁸ Fleets from nearby ports now made Eyemouth their home haven all year round,²⁹ and immigration was tempered only by lack of accommodation.³⁰ Bigger and better boats were annually launched from the small yard on the river Eye, and the developing prosperity of the town had a knock-on effect on the morals of the fishermen.³¹ They ceased drinking their incomes, began to construct sound properties of their own, took out stakes in expensive decked vessels, and became increasingly literate and politically aware, ironically helped by Bell's schemes for social education.

In these circumstances fish tithe, which alone was levied at Eyemouth, and for the support of an unpopular church, came to be regarded as both anachronistic and unjust.³² The Disruption and subsequent assimilation by the state of much of the Kirk's historic welfare functions had apparently removed any rational justification for the continuance of the tax. The perceived persecution of the popular and influential Willie Spears galvanised what had been a rather inchoate opposition into a coherent, and surprisingly well-organised movement for the complete removal of all forms of fish tithe. When Bell encountered difficulties in forcing litigation against Spears he brought the matter to the attention of Chirnside Presbytery, at a moment when the Church of Scotland was suffering badly from the recently published results of the 1851 religious census.³³ The Establishment was determined to draw every ounce of advantage from the fact that it was still the *national* kirk, and as such was due the support, material as well as spiritual, of all the people of Scotland.

In June 1854 the presbytery instructed Stephen Bell to be more attentive to the enforcement of his rights and, in particular, to demand full teind from *all* Eyemouth boats pursuing the herring fishing, regardless of which crew members had paid the modus. This dramatic twist in the dispute had an electric effect. By enjoining the minister to levy such teind, the presbytery flew in the

²⁷ BA, 4 Feb. 1854.

²⁸ BA, 5 Apr. 1845.

²⁹ BA, 26 Feb. 1853.

³⁰ EFO (SRO, AF/23/44), 25 Nov. 1854.

³¹ *Ibid.*, 1 Apr. 1853; BA, 8 Mar. 1856.

³² *Reply of the Eyemouth Fishermen to the Pamphlet of the Presbytery of Chirnside* (Berwick, 1861), 14.

³³ *Religious Worship and Education in Scotland* (PP, 1854, lix); SRO, CH2/516/9, Chirnside Presbytery, 11 Apr. 1854.

face of tradition by disregarding age-old exemptions guaranteed by modus payment. Moreover, the minister was also forced to demand half-teind from stranger boats, threatening the entire trade of the port. That such a provocative stance was taken is evidence of an attempt to reassert the rights of a nervous Establishment. The privileges of the benefice had to be maintained, the fishermen could not be allowed *carte blanche* to do as they wished. Perhaps just as important, proper enforcement of the right to tithe would bring in a considerable sum as the herring trade at Eyemouth continued to multiply.³⁴

From 1854 onwards, this predominantly local issue gradually received increasing national prominence, at times eclipsing the similar, and better-known, Annuity Tax controversy, and involving the Church of Scotland in unseemly and embarrassing events at a time of hesitant inter-denominational rapprochement. Arguments were rehearsed which two decades later would be vented in the disestablishment debates; a newspaper and pamphlet war began, running in parallel with a series of damaging legal actions; political intimidation occurred in Eyemouth, at the time of the general election in 1859, apparently confirming the links between a corrupt church and a reactionary landed class; and the religious revival of 1860 provided a strange interlude in this most curious of Victorian affairs. To add spice, a number of riots took place; fishermen were jailed for their principles as well as for their violence; goods were roused, assaults committed, effigies of the minister and the squire burnt; and as events threatened to get out of control the government even considered sending in a subduing force.

When Bell, in the summer of 1855, attempted to levy herring tithe as instructed by the presbytery, he was prevented from doing so by the physical obstruction of the fishermen.³⁵ The merchants of Eyemouth actively supported and encouraged this stance, as they witnessed something they had long feared — a partial desertion of the port by stranger boats on account of the increased vigour of tithe exactions.³⁶ With the liberal-radical *Berwick Advertiser's* warming to the cause of religious freedom in Eyemouth, Stephen Bell sent to Edinburgh for “two determined men”:

“... who should watch over the boats as they come into harbour, and note the quantity of herrings in each, with the view to levying the tithe”.³⁷

The gesture was a provocative one, hardly likely to calm increasingly volatile tempers. Within a week indeed, the Edinburgh “toughs” were run out of town in a riot which was really more of a

³⁴ EFO (SRO, AF/23/43-45).

³⁵ SRO, CH2/516/9, Chirnside Presbytery, 20 Aug. 1854.

³⁶ *BA*, 21 Jul. 1855; 28 Jul. 1855; 25 Aug. 1855.

³⁷ SRO, CH2/516/9, Chirnside Presbytery, 20 Aug. 1854.

celebration, and which marked a more militant phase in the defiance of tithe.³⁸

At the trial of those arrested for affray, Bell blamed the deteriorating situation on "parties behind the scenes".³⁹ Clearly he was referring to the actions of the merchant class, who were especially aware of the consequences should stranger boats not return to the port, and who had more to gain, and little to lose from a sustained boycott of the tithe. Joining Willie Spears on a hastily formed democratic fishermen's committee were fishcurers like John Dickson, and tradesmen such as Timothy Statham, significantly the Eyemouth correspondent to the *Berwick Advertiser*, and a man ahead of his time in grasping the potential power of the press on public opinion.⁴⁰ But it was the fishermen themselves who made up the bulk of this committee, which, it should be noted, developed in November 1855, out of a public meeting held, not in the Mason's Hall as was normal, but in the Primitive Methodist chapel.⁴¹ Here we see evidence of the growth of religious sentiment, itself a corollary of the growing prosperity and respectability of the fishermen.⁴² It was no accident that the Revival of 1860 found fertile ground in Eyemouth; it had long been prepared for.⁴³

That meeting in the early winter of 1855 was an occasion which deserves a place in any history of popular Scottish revolts. Willie Spears, shouting to make himself heard, moved to unanimous acclaim that "Tithe be no longer paid by the fishermen of Eyemouth", and a covenant to this effect was signed by the entire assembled sea-going portion of the town.⁴⁴ Here was a direct challenge to the authority of the Establishment which could not be allowed to pass. Indeed as the legal proceedings against Spears and his "covenanters" continued, the arguments became less concerned with the matter of tangible rewards to a particular parish living, than with the issue of principle and the rights of a national church recovering from the shock of 1843, and gaining in confidence for the future.

Arrayed against that Establishment was the enthusiastic *Berwick Advertiser* and the opposition of hundreds of fishermen from all over Britain, whose contributions flooded in to a solidarity fund.⁴⁵ Public opinion was courted by the fishermen from the very

³⁸ D. McIvor, *An Old Time Fishing Town: Eyemouth* (Greenock, 1906), 171.

³⁹ *BA*, 3 Nov. 1855.

⁴⁰ *BN*, 19 Dec. 1876.

⁴¹ *BA*, 15 Dec. 1855.

⁴² Total abstinence flourished in Eyemouth from the early 1840s, with religion generally penetrating into this most unchristian of Scottish towns by the mid 1850s. *BA*, 9 Jan. 1841, 8 Aug. 1846, 30 Nov. 1850, 8 Mar. 1856.

⁴³ W. Reid, *Authentic Records of the Revival* (London, 1860), 321.

⁴⁴ McIvor, *Fishing Town*, 171. *BA*, 15. Dec. 1855.

⁴⁵ *BA*, 9 Feb. 1856.

start, and Statham, as secretary of the fishermen's committee, conducted a stinging campaign, in satirical verse as well as in prose, through the columns of the *Advertiser*, and occasionally in the Edinburgh papers also.

This priest was very bold and gay
Three quarters of the year
But o' it grieved him very much
When tything time drew near.⁴⁶

The public were constantly reminded that it was the parish church which had begun the conflict, and that prior to 1854 the fishermen had contentedly paid the *modus*, which had increased in value from 7s. 6d. in the eighteenth century, to £43 6s. 8d. when it was withheld.⁴⁷ This avowed former willingness to pay the church its dues was not wholly truthful, but the propaganda campaign was effective and the avarice of the church in demanding a full tenth of the earnings of "poor" fishermen was widely condemned.

Against this tide of criticism the Church party was supported locally in print by the Tory *Berwick Warder*, although at times this paper lost credibility, fearing a neo-Chartist resurgence and characterising the dispute as one between the lawful forces of constituted authority and stability against those of anarchy and revolution.⁴⁸ In fact, early in 1856, the fishermen of Eyemouth did procure a radical banner and flag of liberty. These were to be symbolic of their stand, and

"... to convey to the rising generation the nature of the glorious struggle their fathers were engaged in in order to get that liberty which has now become the birthright of Britons, and which is only withheld from the fishermen".⁴⁹

The flag was embossed with a full length figure of a fisherman, his hand resting on a basket of herrings and, above his head in bold letters of gold the words, "Pay no Tithe!" On the banner, richly ornamented with wreaths of flowers, was the emotional inscription,

In Liberty's ennobling cause
Our fisher lads stand weal;
And gloriously have won the right
Of freedom to the creel.⁵⁰

In July 1856, when all 28 Eyemouth skippers were summoned,

⁴⁶ BA, 23 Feb. 1856.

⁴⁷ *Reply of William Spears to the Pamphlet Letter of David Milne-Holme* (Berwick, 1862), 12.

⁴⁸ BA, 1 Nov. 1856.

⁴⁹ BA, 17 May 1856.

⁵⁰ BA, 26 Jul. 1856.

on Bell's insistence, to appear at Ayton J.P. Court for tithe arrears, a demonstration of strength was organised for the same day. It was the most remarkable procession seen in Eyemouth since the day when Mary Stewart had traversed the streets of the town. At about 10 a.m. the St Abbs' brass band played the fishermen of nearby Coldingham into the market place, then turned and led a 2,000 strong parade, neatly ordered four abreast, along the main road to Ayton. Immediately behind the band came the fishermen's committee in traditional dress, then the naval coast volunteers, the skippers summoned for tithe, the whole body of Eyemouth and other Berwickshire fishermen, the fish-merchants, coopers and tradesmen of the town, and finally the stranger crews from Buckhaven, Fisherrow, Yarmouth and Penzance. To the strains of "Caller Herring", the procession snaked the two miles to Ayton, doubling in size along the way as landsmen showed an unusual solidarity with their sea-faring neighbours, doubtless drawing upon a long tradition of religious non-conformity in rural eastern Berwickshire. At Ayton Castle cheers were given for the Liberal proprietor, Captain Mitchell-Innes, whose sympathies reportedly lay with the demonstrators.⁵¹

The *Berwick Advertiser* applauded the exercise as,

"... a noble assertion of sound and sterling principles, marred by no demagogueism, no furious mob eloquence, depending on nothing but the all prevailing might of moral strength".⁵²

At that moment responsible public opinion was on the side of the fishermen, and it was therefore necessary that the campaign remained non-violent. In contrast to the views of at least one contemporary commentator, this sea-going population was not only literate but also very aware of the worth of favourable press coverage.⁵³

By the time of the 1857 drave, the economic effects of the boycott at Eyemouth had crystallised. More stranger boats than ever before arrived off the Berwickshire coast, encouraged by the cry of "No Tithe at Eyemouth" and greeted at the harbour entrance by the sight of the famous flag defiantly nailed to the pier head.⁵⁴ The 1857 season was the best for a generation, both in terms of catch value and quantity, and, as boatbuilding and housebuilding boomed, the population lurched upwards.⁵⁵ No amount of legalistic or authoritarian argument would now

⁵¹ McIvor, *Fishing Town*, 173.

⁵² *BA*, 2 Aug. 1856.

⁵³ Bertram, *Harvest*, 471.

⁵⁴ *BA*, 1 Aug. 1857.

⁵⁵ EFO (SRO, AF/23/44), 2 Jan. 1858.

persuade the fishermen or merchants of Eyemouth to go back to paying vicarage teind.

The Church was perplexed. Not only was an important ecclesiastical right threatened by this revolt, but the whole nature, and future, of the tithe system on which rested the strength of the stipend within the Establishment, seemed in danger. While legal decisions were awaited the press war continued, with the *Advertiser* generally winning the day against the virulent invective of the *Warder*. The Eyemouth defence fund swelled monthly, with aid even coming from the unlikely source of the proceeds from temperance lectures held in the town.⁵⁶ This, again, demonstrates the new-found sobriety of the fishermen and the respectability of their supporters.

One battle seemed won when the Sheriff-substitute of the county decided at Duns, early in 1858, that those fishermen who had been in the use and wont of paying modus (that is, the Eyemouth fishermen generally) *were* exempted from the payment of herring tithe.⁵⁷ Bell and the presbytery were here presented with an opportunity to save face and to press only for the payment of modus, withheld since 1854, perhaps in the process depriving the fishermen of public sympathy. But points of principle, if not the sums involved, were too strong, and an appeal was lodged against the ruling. In the subsequent action, the Sheriff of Berwickshire judged against the fishermen and held that earlier eighteenth-century decisions were *res judicata* and that the Eyemouth men should indeed pay herring teind, under certain conditions.⁵⁸ The fishermen were outraged, declared their suspicion of judicial corruption, and moved to bring their case before the Court of Session. As the issue passed to Edinburgh, the *Advertiser* drew the first of many analogies with a religious controversy of similar background then convulsing the Scottish capital:

“The Annuity Tax is an unfair and unchristian demand, but how very insignificant does it appear when compared to the strange demand made upon our fishermen”.⁵⁹

As litigation progressed, Eyemouth figured prominently in a new controversy, when the family of David Milne-Home attempted to intimidate the not insignificant number of electors in the town in the General Election of 1859.⁶⁰ These political manoeuvrings were widely publicised throughout Britain and this “shameful act of abuse”⁶¹ may have helped in the return of David Robertson,

⁵⁶ BA, 21 Nov. 1857.

⁵⁷ *Reply of the Eyemouth Fishermen to Presbytery of Chirnside*, 12; BA, 13 Feb. 1858.

⁵⁸ BA, 14 Aug. 1858.

⁵⁹ BA, 20 Nov. 1858.

⁶⁰ BA, 16 Apr. 1859, 23 Apr. 1859, 30 Apr. 1859.

⁶¹ *Scotsman*, 27 Apr. 1859, 30 Apr. 1859, 4 May 1859.

Berwickshire's first Liberal member for a quarter of a century.⁶² It certainly ensured the Liberal solidarity of the Eyemouth voters and further maligned Milne-Home, an active member of the Church party in the tithe dispute, in the eyes of his tenantry. The *Advertiser* was not slow to conjure up a vision of a church-state conspiracy to enslave the fishermen of Berwickshire. The machinations of the Tory gentry in the election could not have helped the cause of the kirk and, as Robertson became more involved with matters relating to the tithe, party politics was added as a supplementary theme.

In the aftermath of this episode, the religious revival, which had spread like a tornado across North America and through Ireland, hit Scotland.⁶³ The fervour of lay preaching (and communal singing) which distinguished the movement from earlier awakenings, reduced its effect on the Established church, but fitted in neatly with the fishing culture of the Scottish east coast.⁶⁴ Eyemouth was one of the first towns to be affected in the east, and the outcome was stunning.⁶⁵ Vast numbers were "struck down". The Primitive Methodists recovered much lost ground,⁶⁶ the Free Church expanded,⁶⁷ the United Presbyterians blossomed,⁶⁸ and the Evangelical Union was given a wildly enthusiastic welcome.⁶⁹ Nightly prayer meetings were held for some considerable time and worship continued even in boats on the ocean.⁷⁰ The remnants of drunkenness disappeared, and the formerly accepted practice of fishing on the Sabbath was wholly abandoned.

Yet any notion that the revival might have weakened the anti-tithe stance of the fishermen could scarcely have been more inaccurate. It strengthened their conviction, enriched the forces of dissent, and barely affected attendances at the deserted auld kirk.⁷¹

In May 1860, Bell dramatically resigned the action in the Court of Session before any decision was promulgated, and the fishermen, prematurely celebrated victory. The minister then proceeded to issue detailed bills of arrears of modus dues and herring teind. It was a development which was viewed with cynicism, Statham commenting, "We only trust it has not been done to provoke a breach of the peace".⁷²

Feelings in the town were certainly running high but spirits

⁶² T. Wilkie, *The Representation of Scotland* (Paisley, 1895).

⁶³ Bussey, *Harvest*, 31, 46; *Scotsman*, 8 Oct. 1859.

⁶⁴ Bussey, *Harvest*, 48; W. J. Couper, *Scottish Revivals* (Dundee, 1918), 135.

⁶⁵ Bussey, *Harvest*, 48; Reid, *Revival*, 321-35.

⁶⁶ Patterson, *Men on Fire*, 125-29.

⁶⁷ Reid, *Revival*, 322.

⁶⁸ *U.P. Magazine*, n.s., iv (1860), 421.

⁶⁹ H. Escott, *A History of Scottish Congregationalism* (Glasgow, 1960), 336; McIvor, *Fishing Town*, 321, 323.

⁷⁰ *Christian News*, 7 Dec. 1859.

⁷¹ Bussey, *Harvest*, 321.

⁷² *BA*, 14 Jul. 1860.

were lifted in August, when Robertson sent a cheque for £25 to the fishermen's defence fund. With such influential support at their back, capitulation to this, or to any future demands could scarcely be considered.⁷³ Even when Chirnside presbytery took the case before the General Assembly in 1861, which then appointed a committee of inquiry, no undue alarm was felt in Eyemouth.⁷⁴ William Spears, who continued to be the prime legal target of the church, declared that should the General Assembly

“... even in the name and for the support of religion distrain and publicly sell the effects of the fishermen they will find no obstruction. Of one thing only they may be certain, that they will require to renew the unseemly display year after year, for the fishermen have in the most solemn manner bound themselves to refuse payment of tithe forever”.⁷⁵

Yet behind the rhetoric was a feeling of unease that the less restrained members of the community might be pushed into direct, violent, and counter-productive confrontation. The catalyst for this came when Spears was once more identified and acted against for tithe arrears. In Eyemouth the news brought youngsters out on to the streets with effigies of Stephen Bell and David Milne-Home. These were ceremoniously hanged and then burnt in front of the manse garden in the centre of the town.⁷⁶ Dramatic as this may have seemed it only warned of worse scenes to follow.

As the dispute deepened and stalemate set in, the first of seven printed tracts in a pamphlet war appeared. In an attempt to redress the propaganda advantage of the fishermen, Chirnside presbytery, acting on the orders of the General Assembly's Committee, issued a detailed statement of their view of the facts of the case and of the legitimate rights of the church.⁷⁷ Within a week the fishermen published a reply, repudiating all claims made by the presbytery, reiterating that the dispute originated through the greed of the minority church in Eyemouth, and denying emphatically that any similar exactions were levied elsewhere.⁷⁸ This articulate polemic ended:

“... in reference to all the bombast about the law and gunboats and troops of cavalry to cut us down . . . and about organised resistance to the law being a crime, we will remind

⁷³ BA, 25 Aug. 1860.

⁷⁴ SRO, CH2/516/10, Chirnside Presbytery, 7 May 1861; *General Assembly Proceedings, 1861*.

⁷⁵ BA, 22 Jun. 1861.

⁷⁶ BA, 19 Oct. 1861.

⁷⁷ *Statement In the Eyemouth Fish Teind Case by the Presbytery of Chirnside* (1861); BA, 9 Nov. 1861.

⁷⁸ *Reply of the Eyemouth Fishermen*; BA, 16 Nov. 1861.

you that there is no more doing here than is doing just now in Edinburgh”⁷⁹

and proceeded to quote Duncan MacLaren’s opposition to the Annuity Tax there by way of example.

The increasingly acrimonious verbal duelling turned to deeds of real violence when two sheriff officers, supported by 16 policemen, arrived in Eyemouth in the early hours of Thursday, 28 November 1861 to arrest Willie Spears for continued refusal to pay tithe arrears.⁸⁰ Resembling future communal crofter resistance, a riot involving at least 500 people (just under a third of the total population) swiftly developed. The sheriff officers had hoped to capture Spears whilst the bulk of the men were at sea, but by chance that day the entire fleet had grounded on a sandbank at the mouth of the harbour.⁸¹ On hearing the fracas, the fishermen leaped ashore and raced to Spears’ house. At first, the police were pelted with bread from piece bags, but as truncheons were drawn cobbles were lifted and an ugly situation developed.⁸² At the height of the battle, Willie Spears emerged from his house, a stout fisher lad at either flank “and the police were ‘daured’ to lift him”.⁸³

Retreating first to the cramped Eyemouth station, the police cowered there for four hours, under a constant barrage of rocks and stones, before attempting to escape to Ayton. Several of their number were seriously injured, including the Chief Constable of Berwickshire, and one officer was actually made to sign a paper declaring that no missiles had been thrown. If he had refused to do so, he would have been flung in the harbour.⁸⁴ Two Eyemouth men who were rather unluckily captured, later received heavy jail sentences handed down from the High Court of Justiciary. Yet public opinion, strangely, seems not to have been alienated by the riot. One letter to the *Scotsman* noted that, “The scene witnessed that morning was enough to convince the most sceptical that the fleece and not the flock is the grand object [of the church]”.⁸⁵

The national prominence given to the disturbances also drew dissenting ministers to Eyemouth — especially those of the United Presbyterian Church — to “countenance the fishermen in their opposition of the tithe”.⁸⁶ In the *U.P. Magazine* in 1862 a discussion of the Eyemouth controversy was subtitled, “The State Church Promoting Voluntaryism”, noting, with some relish, “That the fishermen are becoming thorough and intelligent

⁷⁹ *BA*, 16 Nov. 1861.

⁸⁰ *Scotsman*, 30 Nov. 1861.

⁸¹ McIvor, *Fishing Town*, 176.

⁸² *Scotsman*, 18 Feb. 1862.

⁸³ McIvor, *Fishing Town*, 177.

⁸⁴ *Scotsman*, 7 Dec. 1861.

⁸⁵ *Ibid.*

⁸⁶ *BA*, 21 Dec. 1861.

voluntaries''.⁸⁷ The Free Church remained largely mute on the issue:⁸⁸ the early 1860s was not yet the time to encourage individuals or groups which so directly questioned the establishment principle, to which many Free Kirkers remained loyally attached. But there was general condemnation of the Lord Advocate for his inaction in allowing such a situation to develop.⁸⁹

Early in 1862, James Moncrieff did become involved when a powerful deputation from the church party waited upon him.⁹⁰ John Shand, convener of the General Assembly Committee, pressed the Crown to help formulate a compromise solution to the tithe problem in Eyemouth. In particular a fixed harbour rate, within which the tithe could be subsumed (a modified form of which already existed at Dunbar) was suggested as a possible means of settlement. All were agreed that the law as it stood had been made unworkable.

The harbour bill proposal bears all the hallmarks of David Milne-Home who, in 1862, became a member of the General Assembly Committee on the Fish Tithe. Playing the dual rôle of kirk adviser and town superior he cherished the hope that out of the imbroglio there might be concocted a package not only to settle the tithe, but also to rescue the port from bankruptcy, since all surplus harbour dues would, under the bill, be available for improvement work or as a guarantee of the interest on capital investment. Milne-Home remained single-minded in pursuit of this aim. Indeed, his dogged refusal to admit of any other scheme of settlement kept the controversy alive for a further two years. Meanwhile, equally stubbornly, the fishermen, after seven years of struggle, saw victory on the horizon and declined to accept anything less than complete abolition of the tithe. At a public meeting held in April 1862 the proposed harbour bill was discussed and unanimously rejected.⁹¹ The main terms would have awarded the minister an annual sum of £80 with further augmentation possible on appeal to the Court of Teinds. Eyemouth fishing boats would have been charged £4 a year, and stranger craft £2 a year for the privilege of using the port, so generating a yearly revenue of at least £300.⁹² The residue of this amount was to be made available for general harbour purposes. The fishermen did not deny that harbour

⁸⁷ *U.P. Magazine*, n.s., vi (1862), 461-67.

⁸⁸ Letter of David Milne-Home to David Robertson M.P., 23 May 1862 (Lord Advocate's papers, SRO, AD/156/38).

⁸⁹ Letter of David Milne-Home to David Robertson M.P., 1 May 1862 (SRO, AD/156/38).

⁹⁰ Statement of John Shand, Feb., 1862 (SRO, AD/156/38). *General Assembly Proceedings, 1862*.

⁹¹ Letter of David Robertson M.P. to the Lord Advocate, 28 Apr. 1862 (SRO, AD/156/38).

⁹² Proposed Heads of an Act of Parliament for the Settlement of the Eyemouth Fish Teinds (SRO, AD/156/38).

development was essential, nor were they reluctant to contribute to such an enterprise.⁹³ But they could not concede any plan which incorporated, even in a disguised form, tithe levies. The issue was too emotive, the principle too important.

Milne-Home advised the Lord Advocate to introduce the bill regardless of the local opposition, and at this juncture the Liberal M.P., David Robertson, entered the fray.⁹⁴ He refused to support a bill which the fishermen themselves repudiated, and Moncrieff was reluctant to risk the embarrassment of bringing legislation into the House of Commons without the backing of the member for Berwickshire.⁹⁵

In fact, Robertson was to suggest a way out of the impasse following a meeting at which he played host to a delegation of three Eyemouth men, including Spears, and a representative of Chirnside presbytery. Writing to the Lord Advocate that, "You might as well attempt to turn the sun from its course, as the fishermen of Eyemouth from their determined purpose", Robertson reported that the possibility of agreeing the payment of a capital sum of £1,000 to buy outright and for all time the church's right to the tithe had been warmly received by both parties.⁹⁶ An arbiter to decide the exact amount of compensation was also suggested in the person of Captain Mitchell-Innes of Ayton Castle.

Milne-Home was upset at this development since it threatened to scupper his clearly preferred plan, and he proceeded to write alarmist letters to Robertson, the Lord Advocate, and to the press on the implications of such a surrender. He also questioned the legal competence of Mitchell-Innes as arbiter, and opined that the true value of the teind was not £1,000 but over £10,000:

"If the rich and energetic merchants and shopkeepers of Edinburgh tried to purchase up the Annuity Tax and failed, it will be no slur on the fishermen of Eyemouth if they fail in a similar attempt".⁹⁷

Milne-Home thus destroyed any tentative hopes there had been of a peacable solution and initiated again the pamphlet war, drawing an immediate written response from the fishermen who now moved on to the offensive and challenged the morality of taxing dissenters for Establishment purposes.⁹⁸ Latching on to this,

⁹³ *Report of the Commissioners Appointed to Inquire into Sea Fisheries of the United Kingdom* (PP, xvii-xviii), 618-627. BA, 23 Jul. 1859.

⁹⁴ Letter of David Milne-Home to the Lord Advocate, 3 May 1862 (SRO, AD/156/38).

⁹⁵ Letter of David Robertson M.P. to Timothy Statham, Secretary of the Eyemouth Fishermen's Committee, 13 May 1862 (Copy, SRO, AD/156/38).

⁹⁶ Letter of David Robertson M.P. to the Lord Advocate, 28 Apr. 1862 (SRO, AD/156/38).

⁹⁷ *Pamphlet Letter of Milne-Home to Spears*, 21.

⁹⁸ *Pamphlet Reply of William Spears*, 16.

Milne-Home argued that not only church tithes in Eyemouth but, by implication, those held by lay proprietors throughout the country were now at risk.

“The interests therefore involved in this little rebellion at Eyemouth are too extensive, and the principles too important to be trifled with, or to be disregarded by the government authorities. If the rights of the church in this instance are allowed to be trampled on, a precedent would be set, which may justly cause alarm, not only to all persons of property, but to all good citizens and subjects”.⁹⁹

The *Warder* might have been impressed by such a diatribe, but it had little effect otherwise, save for eliciting a personal attack in another pamphlet issued by the fishermen, in which Milne-Home’s fickle manoeuvring was denounced as “not only not honourable [but] . . . scarcely honest”.¹⁰⁰

Disestablishment, something which had barely been considered in 1854, was now warmly embraced by the bulk of the fishermen. And come that day, Milne-Home was warned, the landed gentry would be stripped of part of their assets:

“The land which is now charged with the support of the so-called national church, would, in justice, go back to the nation”.¹⁰¹

There never was a less equivocal statement of voluntary principles, nor a more radical pronouncement on ultimate tithe ownership. The right to fish in the sea, of course, belonged to no-one.

Despite the obstructions of Milne-Home, Robertson continued to mediate between the two parties on the basis of a capital-purchase scheme.¹⁰² A new arbiter, Robert Ingham, M.P. for South Shields, was appointed in place of Mitchell-Innes who could not continue following the allegations made against his legal competence. By the spring of 1863 the impending judgement was anticipated and, in one final gamble, Milne-Home attempted to sabotage the negotiations by hinting to the fishermen that the amount to be awarded was well beyond their means, and again urging them to consider the merits of a harbour rate.¹⁰³ Robertson, on learning of this gambit, wrote to the Lord Advocate:

⁹⁹ *Pamphlet Letter to David Robertson M.P. from David Milne-Home of Wedderburn* (Edinburgh, 1862), 33-4.

¹⁰⁰ *Pamphlet Reply of the Fishermen’s Committee to the Letter of David Milne-Home Sent to David Robertson M.P.* (Berwick, 1862), 10.

¹⁰¹ *Ibid*, 20.

¹⁰² Lord Advocate’s Papers (miscellaneous) (SRO, AD/156/38).

¹⁰³ Letter of David Milne-Home to the Lord Advocate, 25 Apr. 1863 (SRO, AD/156/38).

“I have seen much to deprecate and surprise in the conduct of Mr Milne-Home . . . who has been the *sole cause* of the mischief from beginning to end and but for whom the church would have gladly settled it through me long ago”.¹⁰⁴

Ingham eventually awarded £1,625 as compensation to the church for relinquishing all rights in the fish teind, as well as £275 personally to Stephen Bell in lieu of nine years' arrears. By any standards it was a vast sum, but what may seem rather surprising in the circumstances is that the fishermen evidently believed that the bulk of the money would be raised locally through gentlemanly subscriptions.¹⁰⁵ Certainly the *Berwick Advertiser* backed the call for contributions but it was not generously responded to.¹⁰⁶ Milne-Home, accepting defeat and eager to make peace with his disaffected tennantry, gave £200, and Mitchell-Innes and David Robertson donated £100 apiece. The merchants of Eyemouth also made payments and even Bell sent £2.¹⁰⁷ Most of the redemption capital, however, had to be borrowed from the Commercial Bank, and this was not finally repaid until 1878.¹⁰⁸ To facilitate the eradication of the debt, a democratically elected committee of fishermen took over the church's surrendered rights of tithe and enforced continued payments from all crews using Eyemouth, even to the point of legal action against those who refused.¹⁰⁹

Despite the professed desires of all parties involved to forget the past, the Established Church in Eyemouth was to remain very much a denomination in the minority, largely ignored by even pious fishermen. This was most clearly seen in October 1881 when, out of 129 Eyemouth men who drowned in the fishing disaster, only a handful were in any way connected with the Church of Scotland.¹¹⁰ Stephen Bell however was much admired for his principled stand and when he worked himself into an early grave tending the 93 widows and 263 fatherless children left in the wake of the tragedy, obituary notices appeared in the press from dissenters and fishermen, as well as from those in his own flock.¹¹¹ Willie Spears did not die the noble death that would have befitted a folk hero, but passed away as a pauperised drunkard in an unmarked grave, having frittered all his wealth on the demon drink he so often denounced in the days of the tithe dispute.¹¹² David

¹⁰⁴ Letter of David Robertson M.P. to the Lord Advocate, 25 Apr. 1863 (SRO, AD/156/38).

¹⁰⁵ Letter of Timothy Statham to David Robertson M.P., 17 May 1862 (SRO, AD/156/38); EFO (SRO, AF/23/45), 21 May 1863.

¹⁰⁶ BA, 13 Jun. 1863.

¹⁰⁷ BA, 13 Feb. 1864.

¹⁰⁸ BA, 25 Jan. 1878.

¹⁰⁹ EFO (SRO, AF/23/46), 22 Nov. 1869.

¹¹⁰ McIvor, *Fishing Town*, 36.

¹¹¹ BN, 16 Mar. 1886, 23 Mar. 1886.

¹¹² Eyemouth Poor Inspector's Visiting Book (Border Regional Library Collection).

Milne-Hume continued to agitate for a harbour rate as the only rational means to promote the interests of the port.¹¹³ But not until 1873 was this hope realised, and the harbour remained insolvent until the late 1870s. Only in 1881 was an extensive plan for port development produced and a loan, or grant, of £80,000 requested from government.¹¹⁴ At last Eyemouth, where attention had so long been diverted by the fish tithe issue, was to be provided with facilities to rival the great northern centres, and the south-east of Scotland would share in an economic bonanza. In successive government reports the town had been noted as being “on the very key of the coast”, ideal for fishery and trade expansion.¹¹⁵

On 14 October 1881, as the harbour plan was receiving official attention, the Eyemouth fleet set sail on a bright, almost windless morning. At about noon the sky darkened and a fierce hurricane broke, destroying 26 of the 45 craft and drowning 129 of the town’s best men.¹¹⁶ Many boats were wrecked on that day simply because they could not gain access to the tidal basin of Eyemouth harbour.¹¹⁷ It was to take almost a century for the population of the town to recover and, almost incredibly, the port development plans of the 1870s are still being pressed today, at a current cost in excess of £19 million.¹¹⁸ Without the distraction of the mid-century tithe dispute, Eyemouth may well have been selected in preference to other, perhaps less well advantaged, creeks for harbour development. Had this happened it is intriguing to speculate on what might have been for the town, the county and the underdeveloped economy of the Border region.

The confrontation between church and people had an importance far beyond arguments about the moral and legal right of the Eyemouth minister to ancient vicarage tithe. As we have seen, the actions of the church itself could weaken the cause of Establishment and, indeed, promote that of the dissenting churches. More than this, religious disputes and rivalries such as those in Eyemouth, could have wide ranging economic and social consequences.

In Eyemouth today the parish church remains a competitor with several other denominations. It is sited in a grand Normanesque building, formerly used by the Free Church prior to the reunion, and many worshippers still refer to it as the “Free Kirk”. The Auld Kirk, scene of so much violent acrimony in the

¹¹³ EFO (SRO, AF/23/46), 2 Feb. 1871.

¹¹⁴ FB Papers (SRO, AF/38/62/1).

¹¹⁵ *Royal Commission on Herring Fishing* (PP, 1878 xxi); EFO (SRO, AF/23/47), 27 May 1878.

¹¹⁶ McIvor, *Fishing Town*, 9-26; Eyemouth Disaster Relief Committee, *Minute Book* (Eyemouth Museum Collection).

¹¹⁷ *Scotsman*, 25 Oct. 1881; *Berwick Journal*, 25 May 1882.

¹¹⁸ EHT, *PIEDA Report* (1987).

1850s and 1860s now, fittingly, houses the Eyemouth Museum. Positioned in the centre of a permanent display is a scale model of a fishing boat and mock fishermen dressed in traditional garb. It is ironic that Spears' "Covenanters", who would rather go to jail than bow to the Establishment, should now be exhibited right over the pulpit of Stephen Bell.